

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Long	Team: Team # 3	CCRB Case #: 200200951	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 02/04/2002 3:57 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 8/4/2003	EO SOL 8/4/2003	
Date/Time CV Reported Mon, 02/04/2002 4:53 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/12/2002 10:14 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Maraldo	28217	906714	047 PCT
2. POM David DeMelia	20674	920200	047 PCT
3. LT Paul DeEntremont	00000	892944	047 PCT
4. DT3 Kevin Mojica	06617	894810	047 DET

Officer(s)	Allegation	Investigator Recommendation
A.LT Paul DeEntremont	Abuse: Lt. Paul DeEntremont authorized the stop and search of car in which § 87(2)(b) was an occupant.	
B.LT Paul DeEntremont	Discourtesy: Lt. Paul DeEntremont spoke obscenely and/or rudely to § 87(2)(b)	
C.POM David DeMelia	Discourtesy: PO David DeMelia spoke obscenely and/or rudely to § 87(2)(b)	
D.POM Vincent Maraldo	Discourtesy: PO Vincent Maraldo spoke obscenely and/or rudely to § 87(2)(b)	
E.POM David DeMelia	Abuse: PO David DeMelia frisked and searched § 87(2)(b) § 87(2)(b).	
F.LT Paul DeEntremont	Force: Lt. Paul DeEntremont used physical force against § 87(2)(b)	
G.POM Vincent Maraldo	Force: PO Vincent Maraldo used physical force against § 87(2)(b) § 87(2)(b).	
H.POM David DeMelia	Force: PO David DeMelia used physical force against § 87(2)(b) § 87(2)(b).	
I.POM David DeMelia	Discourtesy: PO David DeMelia spoke obscenely and/or rudely to § 87(2)(b)	
J.POM Vincent Maraldo	Discourtesy: PO Vincent Maraldo spoke obscenely and/or rudely to § 87(2)(b)	
K.DT3 Kevin Mojica	Abuse: Det. Kevin Mojica attempted to kick § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
L.POM Vincent Maraldo	Force: PO Vincent Maraldo used physical force against § 87(2)(b) .	
M.POM Vincent Maraldo	Force: PO Vincent Maraldo struck § 87(2)(b) with a radio.	

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Synopsis

On February 4, 2002, at approximately § 87(2)(b) in the Bronx, § 87(2)(b) was stopped by Lt. Paul DeEntremont, PO Vincent Maraldo and PO David DeMelia. § 87(2)(b), § 87(2)(g). As the officers were interacting with § 87(2)(b) his neighbor, § 87(2)(b) exited his house to see what was occurring. The officers decided to arrest § 87(2)(b) § 87(2)(b), and they felt that § 87(2)(b) interfered with the arrest. When the officers attempted to place § 87(2)(b) under arrest, he subsequently fled the scene, but was arrested around the block. This complaint was originally filed with IAB by a neighbor of § 87(2)(b) and § 87(2)(b), § 87(2)(b) § 87(2)(g).

Summary of Complaint

§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b), residing at § 87(2)(b) § 87(2)(b) in the Bronx, was interviewed at the CCRB on February 27, 2002 (see enc. 6A-D) and by IAB on February 4, 2001 (see enc. 5). § 87(2)(g)

§ 87(2)(b) stated that on February 4, 2002, at 3:57 PM, he was cooking dinner at his home located at § 87(2)(b) § 87(2)(b) in the Bronx. He was at his stove, which faces a window that overlooks § 87(2)(b). His friend § 87(2)(b) was also at his house. While looking out the window, § 87(2)(b) observed his friend and neighbor, § 87(2)(b) park his car directly across the street from § 87(2)(b) home. At this time, a marked police van pulled in front of § 87(2)(b) car. The police van contained three plainclothes officers who were later identified during the investigation as Lt. DeEntremont, PO DeMelia and PO Maraldo. An officer, § 87(2)(b) could not recall whom, opened § 87(2)(b)'s driver side door and pulled him from the car by the collar of his jacket. They asked him what he was doing and § 87(2)(b) replied that he lived there. § 87(2)(b) was asking what he did and all three officers told him to "Shut up, just shut up. Be quiet." § 87(2)(b) was taken to the back of his car where an officer that § 87(2)(b) could not recall searched him. The officer first frisked § 87(2)(b) and then went into his pockets. After § 87(2)(b) was searched Lt. DeEntremont and PO DeMelia searched his car while PO Maraldo stayed with § 87(2)(b). Lt. DeEntremont searched the back of the car while PO DeMelia searched the front. They then searched the trunk together. Nothing was found either on § 87(2)(b) or in his car. § 87(2)(b) began to call for his mother. He was asking the officers what he had done and said that he did not do anything.

All three officers "very forcefully" put § 87(2)(b) to the floor. The officers grabbed § 87(2)(b) by his collar. An officer that § 87(2)(b) could not recall had his knee in § 87(2)(b)'s back and he was then placed in handcuffs. § 87(2)(b) had not been resisting the officers. § 87(2)(b) approached the scene while § 87(2)(b) remained near § 87(2)(b) home. § 87(2)(b) told § 87(2)(b) not to move and told him that everything would be straightened out. § 87(2)(b) went to § 87(2)(b)'s house and got his mother. The woman came downstairs and asked what § 87(2)(b) had done. § 87(2)(b) informed the woman that he had watched everything from his window, and § 87(2)(b) did not do anything. The woman asked the officers if she could have the keys to the car, and they told her that she would have to go to the precinct. § 87(2)(b) told the woman that she should get the officers' names and shield numbers. The officers' shields were not visible.

§ 87(2)(b) was going to cross the street to go back toward his home when PO DeMelia stated to § 87(2)(b) "What you need to do is shut the fuck up and mind your business." Lt. DeEntremont said that he was a lieutenant. § 87(2)(b) said to himself "Fuck that shit," and proceeded across the street. PO Maraldo ran up to § 87(2)(b) and said, "You said fuck me." PO Maraldo attempted to punch § 87(2)(b) in the right side of his face but § 87(2)(b) ducked and the officer only grazed him. PO Maraldo said, "you fucking cursed at me." After PO Maraldo swung at § 87(2)(b) he began to run from the scene. As § 87(2)(b) started to run, PO Maraldo grabbed onto § 87(2)(b) shirt and tried to throw him into a gate. This caused the T-shirt § 87(2)(b) was wearing to rip off of him. § 87(2)(b) was only wearing sweatpants and socks but no shoes. He ran down § 87(2)(b) § 87(2)(b) and then made a left. When he got to § 87(2)(b) § 87(2)(b) § 87(2)(b) he observed an officer, later identified during the investigation as Det. Mojica, sitting alone in a Gray Volvo. Det. Mojica got out of his vehicle and ran behind § 87(2)(b). When § 87(2)(b) reached the

middle of the block he turned into a yard. Det. Mojica told him to get down and he complied, getting onto his stomach. § 87(2)(b) stated that he decided to stop running because he was tired. Det. Mojica tried to kick § 87(2)(b) in the face, but § 87(2)(b) moved and avoided the officer's foot. When Det. Mojica swung his leg to kick § 87(2)(b), § 87(2)(b) heard the officer's pants rip. Lt. DeEntremont, PO DeMelia and PO Maraldo arrived on the scene. PO Maraldo tried to kick § 87(2)(b) in the face but § 87(2)(b) moved and PO Maraldo made contact with his upper chest. § 87(2)(b) was handcuffed by an officer and placed in the back seat of the marked police van. § 87(2)(b) was already in the van. Det. Mojica went back to his Volvo. PO Maraldo told § 87(2)(b) "Next time you mind your fucking business." While on route to the precinct, PO Maraldo went to the back seat where he punched § 87(2)(b) in the right side of his face and struck him around the crown of his head with a police radio. PO Maraldo punched § 87(2)(b) four or five times, and struck him with the radio five times. PO Maraldo would alternate between punching him and striking him with the radio. During this time, PO Maraldo stated to § 87(2)(b) "You don't see nothing, do you?"

§ 87(2)(b) stated that he did not resist the officers besides shielding himself from being struck. § 87(2)(b) sustained cuts and knots on his head. § 87(2)(b) received medical attention at § 87(2)(b). § 87(2)(b) § 87(2)(b) § 87(2)(b). § 87(2)(b) did not observe injuries on § 87(2)(b).

§ 87(2)(b) was charged § 87(2)(b) § 87(2)(b).

Results of Investigation

§ 87(2)(b), a § 87(2)(b) year old § 87(2)(b), residing at § 87(2)(b) § 87(2)(b) in the Bronx, was interviewed by the CCRB at his home on March 19, 2002 (see enc. 9A-C). § 87(2)(b) was also interviewed by IAB on February 4, 2002 (see enc. 5). § 87(2)(g)

§ 87(2)(b) stated that on February 4, 2002, at approximately 3:57 PM, he left his house to go to his car, which was parked in his driveway. § 87(2)(b) was on his way to pick up his ex-girlfriend to take her to school. When § 87(2)(b) got to his car, a marked NYPD van passed by. § 87(2)(b) stated that there were three plainclothes officers in the vehicle, later identified during the investigation as Lt. DeEntremont, PO DeMelia and PO Maraldo. The officers looked at him, and he looked at the officers. § 87(2)(b) got into his car. The police van then reversed and stopped at § 87(2)(b)'s driveway and the three officers "jumped" out. When the officers got out they ordered § 87(2)(b) out of his car. All three of the officers stated, "Get out of the fucking car. What are you cursing at?" PO DeMelia opened § 87(2)(b)'s driver side door and PO Maraldo and Lt. DeEntremont opened the passenger side door. § 87(2)(b) asked the officers what he had done and stated that he had not cursed, but they did not respond to him. § 87(2)(b) stated that he remained in his car for a while because he knew that he had not done anything. § 87(2)(b) said that he works and pays his taxes. § 87(2)(b) got out of the car; he did not know if he was pulled out or if he got out on his own accord.

An officer frisked § 87(2)(b) and removed his wallet and his phone from his jeans. PO Maraldo and another officer twisted § 87(2)(b)'s arm and brought him to the sidewalk by holding his arms, so that he was face down. § 87(2)(b) stated that his knee was bruised from going to the ground. During § 87(2)(b)'s arrest, his neighbor § 87(2)(b) was watching what was happening from his gate. When § 87(2)(b)'s arm was twisted, he yelled out for his mother, who was in the house. § 87(2)(b) knocked on § 87(2)(b)'s door and got his mother. § 87(2)(b) asked the officers what they were doing and stated that § 87(2)(b) had not done anything. The officers told § 87(2)(b) "Mind your own fucking business." Lt. DeEntremont searched § 87(2)(b)'s car. He looked in the interior of the car and he opened the trunk and looked inside. § 87(2)(b) was handcuffed and placed in the police van. While in the police van, § 87(2)(b) saw the officers rush up upon § 87(2)(b) to handcuff him. § 87(2)(b) ran down the block toward § 87(2)(b).

Lt. DeEntremont got into the driver's seat of the police vehicle and drove up to § 87(2)(b) where they made a right and then another right onto § 87(2)(b). § 87(2)(b) saw § 87(2)(b) run in the back of a house and the other officers followed him. There was also an officer, who had not been on the scene that was chasing § 87(2)(b). § 87(2)(b) was brought out from behind the house in handcuffs, and placed in the van. While en route to the precinct, PO Maraldo struck § 87(2)(b) in the left side of the head with his radio, three to four times. PO Maraldo told § 87(2)(b) to mind his own business while hitting him.

§ 87(2)(b) told IAB that as he was getting into his vehicle, he yelled, "fuck" loudly because he had forgotten something. He also stated that he twisted around while being handcuffed.

§ 87(2)(b) was charged § 87(2)(b)

Civilian Statements

§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b), residing at § 87(2)(b) in the Bronx, was interviewed on 89th Street and 1st Avenue in Manhattan, on March 14, 2002 (see enc. 7A-C). § 87(2)(b) is § 87(2)(b) friend, who he was having dinner with on the date of the incident. § 87(2)(b) § 87(2)(b), a § 87(2)(b) year old § 87(2)(b) female, residing at § 87(2)(b) § 87(2)(b) was interviewed at her home on March 19, 2002 (see enc. 8A-C). § 87(2)(b) lives next door to § 87(2)(b) and across the street from § 87(2)(b). She was the original complainant in this case. § 87(2)(b) a § 87(2)(b) year old § 87(2)(b) female, residing at § 87(2)(b) § 87(2)(b) in the Bronx, was interviewed at her home on March 19, 2001 (see enc. 10A-C). § 87(2)(b) is § 87(2)(b)'s mother. § 87(2)(b) a § 87(2)(b) female residing at § 87(2)(b) § 87(2)(b) in the Bronx, was interviewed at her home on March 19, 2002 (see enc. 11A-C). It should be noted that § 87(2)(b) could not recall her birth date. § 87(2)(b) lives upstairs from § 87(2)(b) and § 87(2)(b). § 87(2)(b), § 87(2)(g)

On February 4, 2002, § 87(2)(b) was at § 87(2)(b) house and they were about to eat dinner when they looked out the window and observed three plainclothes officers. Two of the officers, who were later identified during the investigation as PO Maraldo and PO DeMelia, were physically removing § 87(2)(b) neighbor, § 87(2)(b) from his vehicle. The officers grabbed § 87(2)(b) by his collar to take him out of the vehicle and placed him against the car. § 87(2)(b) does not know § 87(2)(b) but § 87(2)(b) does. This was directly across the street from § 87(2)(b) home.

§ 87(2)(b) stated that as she was returning to her home after shopping on § 87(2)(b) she observed her neighbor from across the street, § 87(2)(b) being taken out of his house in handcuffs. Two uniformed officers were escorting him to a marked police van. § 87(2)(b) stopped at her gate to watch what was occurring.

§ 87(2)(b) said that he and § 87(2)(b) exited the house after watching the incident for a few minutes, to tell § 87(2)(b) not to fight back against the officers. They were planning on telling § 87(2)(b) to just allow himself to be arrested and anything that needed to be straightened out could be done at the precinct. § 87(2)(b) stated that while § 87(2)(b) was not physically resisting the officers, he kept asking them what he had done and in that way was not cooperating. § 87(2)(b) was yelling for his family to come out and was stating that he was doing nothing wrong, and was telling the officers that he goes to work everyday. § 87(2)(b) went to § 87(2)(b)'s house to get his mother, § 87(2)(b)

When § 87(2)(b) went outside, she walked up to § 87(2)(b) and the officers. § 87(2)(b) was facing his car with his hands on the roof of the car, and the three officers were surrounding him. § 87(2)(b) asked the officers what had happened but they did not respond. § 87(2)(b) heard Lt. DeEntremont, tell § 87(2)(b) "If you yell out again, we're gonna punch you in the face." § 87(2)(b) obtained Lt. DeEntremont's name when he later went to the precinct. § 87(2)(b) was thrown to the ground face down by PO Maraldo and PO DeMelia and then placed in handcuffs. § 87(2)(b) saw the right side of § 87(2)(b)'s head hit the concrete.

During this time, § 87(2)(b) was looking out her second floor bedroom window. § 87(2)(b) stated that she always looks out her window. At this time, she observed two police officers. § 87(2)(b) said the officers “beat” § 87(2)(b) by slamming him against the ground.

After § 87(2)(b) was put in the police van, § 87(2)(b) and § 87(2)(b) were walking back toward the house. § 87(2)(b) was behind § 87(2)(b). § 87(2)(b) turned around and observed § 87(2)(b) and the officers exchanging words, but he could not hear what was being said. § 87(2)(b) stated that § 87(2)(b) told the officers that § 87(2)(b) was a hard working guy. PO Maraldo told § 87(2)(b) “Mind your fucking business.” § 87(2)(b) continued back toward the house, and when he turned around a second time, he saw PO Maraldo and PO DeMelia chasing after § 87(2)(b). PO Maraldo grabbed § 87(2)(b) and ripped his shirt off as they were running. § 87(2)(b) went back into her house at this time. § 87(2)(b) said that a man § 87(2)(b) told the police that § 87(2)(b) was not doing anything and never troubled anyone. § 87(2)(b) was then walking down the block and PO Maraldo came up to him and ripped his shirt off. § 87(2)(b) and the officers then ran away.

§ 87(2)(b) stated that she heard § 87(2)(b) tell § 87(2)(b) not to resist arrest and to just go with the officers. § 87(2)(b) stated that it looked as though § 87(2)(b) was going to “rassle” with the officers, as he looked angry. § 87(2)(b) also said, “What the fuck is going on?” He was approximately four to five feet from the officers when he said this. § 87(2)(b) was placed in the police van. As § 87(2)(b) began to walk back toward his house, an officer turned around and took out his nightstick and raised it. § 87(2)(b) back was toward the officer. § 87(2)(b) began to run down the street toward § 87(2)(b) and the officers followed him. § 87(2)(b) called 911 because she thought the officers were going to beat § 87(2)(b) with their nightsticks.

§ 87(2)(b) got shoes and a shirt for § 87(2)(b) and proceeded to the 47th precinct, as he assumed that § 87(2)(b) had been arrested. § 87(2)(b) did not observe § 87(2)(b) arrest.

§ 87(2)(b) stated to the Investigator that she viewed this incident a week prior to her eye surgery and she could not see that well.

Field Visits

A canvass was conducted on § 87(2)(b) between § 87(2)(b) § 87(2)(b) in the Bronx, on March 19, 2002 (see enc. 27C). The Investigator knocked on the doors of houses surrounding § 87(2)(b) and § 87(2)(b) homes. The Investigator spoke with the residents of § 87(2)(b), § 87(2)(b), and § 87(2)(b), § 87(2)(b), § 87(2)(b), all of whom stated that they did not witness anything. On June 6, 2002, a canvass was conducted of § 87(2)(b) § 87(2)(b) in the Bronx (see enc. 27E). This is the block that § 87(2)(b) was arrested on. The Investigator spoke with the residents of § 87(2)(b), § 87(2)(b), and § 87(2)(b), § 87(2)(b) Street, all of whom stated that they did not witness anything. Letters were left at ten of the houses on the block. To date, no one has responded to the letters.

Communications

§ 87(2)(b) made a call to 911 on February 4, 2002, at 3:58 PM (see enc. 27D). At this time, § 87(2)(b) stated that the police are fighting with someone, and assistance needs to be sent to stop the officers that are at the scene. § 87(2)(b) indicated that there were two officers in uniform beating up one person.

Officer Identification

Lt. DeEntremont, PO Maraldo and PO DeMelia were identified through the IAB call out (see enc. 3A-C). Det. Mojica was identified through Lt. DeEntremont’s CCRB interview.

Officer Statements

PO Vincent Maraldo and PO David DeMelia were interviewed at the CCRB on March 28, 2002 (see enc. 13A-C and 15A-C). Lt. Paul DeEntremont was interviewed at the CCRB on April 11, 2002 (see enc. 16A-C). Det. Kevin Mojica was interviewed at the CCRB on May 7, 2002 (see enc. 17A-B). § 87(2)(g)

§ 87(2)(b):

On February 4, 2002, Lt. DeEntremont, PO Maraldo and PO DeMelia were assigned to the Street Narcotic Enforcement Unit. The officers have different locations within the precinct that they pass by throughout the day, which are known to be high drug areas, or burglary prone locations. The officers drove down § 87(2)(b) because the precinct has received complaints of drugs and loud music at § 87(2)(b). As they drove past the location, all three officers stated that they observed a hand to hand exchange, which they believed to be of narcotics, between an individual later identified as § 87(2)(b) and another male black on the side of the house in the driveway. The officers observed the males for approximately ten to fifteen seconds. Lt. DeEntremont stated that it appeared that § 87(2)(b) gave the unidentified male a bag of marijuana in exchange for money. At this time, the officers stopped their vehicle. The unidentified male black walked toward the back of the house and § 87(2)(b) walked out toward the curb. § 87(2)(b) opened his vehicle door and the officers approached him. The officers had their shields around their necks and they were visible.

§ 87(2)(b) was asked to stop, as the officers were going to conduct an investigation as to what the exchange was. PO DeMelia asked § 87(2)(b) for his name and asked him if he lived at the location. Lt. DeEntremont walked to the back of the house in order to locate the unidentified male, but he was not there. PO Maraldo stated that § 87(2)(b) told the officers “Fuck you, I didn’t do anything wrong. Why are you stopping me? Why are you harassing me? Go fuck yourselves.” PO DeMelia asked § 87(2)(b) for ID, but he refused to provide it and failed to identify himself. § 87(2)(b) tried to enter his car a few times. PO DeMelia continually told § 87(2)(b) to get back onto the sidewalk. At one point, PO DeMelia grabbed § 87(2)(b) by his jacket to prevent § 87(2)(b) from entering his car. PO DeMelia saw a bulge in § 87(2)(b)’s pants at this time, PO DeMelia frisked § 87(2)(b) but did not search him. § 87(2)(b) would not keep his hands on his vehicle while being frisked. § 87(2)(b) was informed that he was going to be placed under arrest. § 87(2)(b) was flailing his arms and he would not place his hands behind his back. Lt. DeEntremont stated that § 87(2)(b) grabbed onto the door panel to prevent himself from being handcuffed. § 87(2)(b) was not placed on the ground according to PO Maraldo and PO DeMelia. Lt. DeEntremont stated that a “wrestling match” ensued in which § 87(2)(b) was brought to the ground (Lt. DeEntremont is unsure of whether he was tripped or thrown or how exactly it happened). All three officers ended up on the ground with § 87(2)(b) and had physical contact with him during the attempt to handcuff him.

While the three officers were attempting to bring § 87(2)(b)’s hands behind his back, another individual later identified as § 87(2)(b) approached the scene and told the officers to leave § 87(2)(b) alone. PO Maraldo stated that § 87(2)(b) went behind PO DeMelia, and attempted to grab PO DeMelia’s arms. He then pulled PO DeMelia by the back of his jacket. PO DeMelia stated that § 87(2)(b) pushed him in the torso. PO Maraldo grabbed § 87(2)(b) by the hand, and pulled his hand off of PO DeMelia. PO Maraldo walked § 87(2)(b) a few steps away, and told § 87(2)(b) to step off to the side. § 87(2)(b) stated, “Fuck you, he didn’t do anything.” Lt. DeEntremont and PO DeMelia placed § 87(2)(b) in handcuffs at this time. The force used against § 87(2)(b) was the force necessary to pull his hands behind his back.

§ 87(2)(b)’s car was not searched. § 87(2)(b) did not call for his mother during the incident, and people did not gather to watch the incident. There was not another black male with § 87(2)(b).

§ 87(2)(b) began to approach the officers again. PO Maraldo told PO DeMelia that § 87(2)(b) was going to be arrested § 87(2)(b) based upon the fact that § 87(2)(b) would not step back and attempted to prevent PO DeMelia from handcuffing § 87(2)(b). PO Maraldo grabbed § 87(2)(b) by his wrist and informed him that he was going to be placed under arrest. § 87(2)(b) told PO Maraldo, “Fuck you.” § 87(2)(b) pulled his jacket off causing PO Maraldo to lose the grip he had on § 87(2)(b)’s hand. PO DeMelia stated that PO Maraldo only grabbed § 87(2)(b) by his jacket, and § 87(2)(b) then slipped out of his jacket. § 87(2)(b) ran down § 87(2)(b) toward § 87(2)(b). PO Maraldo gave chase followed by PO DeMelia. PO Maraldo did not attempt to punch § 87(2)(b).

Once at § 87(2)(b) § 87(2)(b) was thirty to forty feet ahead of PO Maraldo. There was a dog at the corner of § 87(2)(b) and § 87(2)(b). PO Maraldo described the dog as a German Shepherd or a Mutt. The dog was right at PO Maraldo’s legs and it was neither leashed nor chained. PO Maraldo pulled his firearm out, as he feared the dog was going to bite him. PO Maraldo took three steps, placed his

firearm back in the holster and then continued chasing § 87(2)(b). When PO Maraldo reached § 87(2)(b), § 87(2)(b) a Detective from the 47th precinct detective squad, Det. Mojica, got out of an unmarked gray car. Det. Mojica was off-duty. He recognized PO Maraldo from the precinct. Det. Mojica asked PO Maraldo, “Do you want him?” and PO Maraldo said yes. The detective told PO Maraldo to watch his car, as he left the door open and the engine running and he gave chase after § 87(2)(b). PO Maraldo was winded at this time. PO DeMelia passed PO Maraldo on the corner and continued down § 87(2)(b) after § 87(2)(b) and Det. Mojica.

§ 87(2)(b) went into a yard and was followed by PO DeMelia and Det. Mojica. At this time, Lt. DeEntremont had arrived on the scene in the police van and went into the yard as well. Once in the backyard, § 87(2)(b) was instructed to place his hands behind his back, but he refused to do so. PO DeMelia stated that he, Lt. DeEntremont and Det. Mojica all attempted to physically place § 87(2)(b) hands behind his back, and all four individuals fell to the ground. Lt. DeEntremont said that once in the back yard, he grabbed § 87(2)(b) by his upper torso, and threw him onto the ground so that he was face down. According to Det. Mojica, he grabbed one of § 87(2)(b) hands, and § 87(2)(b) started grabbing Det. Mojica in the crotch area. Det. Mojica and § 87(2)(b) then fell because § 87(2)(b) was grabbing Det. Mojica at the crotch and Det. Mojica pulled away from § 87(2)(b) while still holding onto him. Det. Mojica and § 87(2)(b) fell onto their sides and were facing one another. § 87(2)(b) was holding onto Det. Mojica’s crotch and ripped his pants. Det. Mojica was trying to get § 87(2)(b) hand off of his crotch. Lt. DeEntremont grabbed § 87(2)(b) free hand and § 87(2)(b) was placed in handcuffs while face down. After § 87(2)(b) was handcuffed, Det. Mojica walked back to his car. The officers used only the force necessary to place his hands behind his back; no officer kicked or attempted to kick § 87(2)(b). PO Maraldo did not observe § 87(2)(b) apprehension. § 87(2)(b) was taken out of the yard in handcuffs and placed in the police van. The police van then drove to the corner and picked up PO Maraldo. Det. Mojica walked back to his car. PO Maraldo did not use any force against § 87(2)(b) while on route to the precinct. He did not punch § 87(2)(b) or strike him with a radio. None of the officers observed any injuries on either § 87(2)(b) or § 87(2)(b). No officer used discourteous language while on the scene.

Medical Records

§ 87(2)(b) was taken to § 87(2)(b) while still in police custody. According to medical records (see enc. 18A-C) § 87(2)(b) sustained two hematomas to the parietal (sides and roof) region of his skull. He also sustained an abrasion and minor swelling to his left eyebrow region. While § 87(2)(b) stated that he saw his private doctor the day of his release, he was unable to provide the Investigator with the name of the doctor or any contact information for him/her. The pre-arraignment screening form for § 87(2)(b) (see enc. 19A-C) states that he was neither sick nor injured when he went through Central Booking.

Police Documents

The arrest photograph for § 87(2)(b) (see enc. 22A) shows no injuries. The arrest photograph for § 87(2)(b) (see enc. 22B) shows a bandage above his left eyebrow. The medical treatment of prisoner report (see enc. 24) states that § 87(2)(b) complained of back pain.

Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Officers’ Criminal Conviction History

PO Maraldo and Det. Mojica have no substantiated CCRB cases against them. PO DeMelia was given charges by the board for force (physical), abuse of authority (threat of force) and discourtesy (word) in regards to case 200106932. This case has not yet gone to trial. PO DeMelia was also given charges by the board for force (physical), abuse of authority (refusal to provide name/shield number, questioned/stopped, frisked/searched, and retaliatory summons) and discourtesy (word) in regards to case 200108012. This

case has not yet gone to trial. Lt. DeEntremont was given charges by the board for force in regards to case 9602715. At the Department of Courts and Trials, there was a negotiated finding of guilty.

Conclusions and Recommendations

Credibility

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that uniformed officers took § 87(2)(b) out of his house, and that the uniformed officers attempted to strike § 87(2)(b) with their nightsticks. § 87(2)(b), § 87(2)(g)

No officer or civilian besides § 87(2)(b) mentioned nightsticks being used on the scene. § 87(2)(g)

§ 87(2)(b) could not provide any detail regarding the incident and could only state that § 87(2)(b) was beat up by being slammed on the floor. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Also, § 87(2)(b) stated that he heard Lt. DeEntremont state to § 87(2)(b) “If you yell out again, we’re gonna punch you in the face.” § 87(2)(b), § 87(2)(g)

Allegation A: Lt. Paul DeEntremont authorized the stop and search of a car in which § 87(2)(b) was an occupant.

§ 87(2)(g)

§ 87(2)(b) stated that § 87(2)(b) was pulling into a parking spot in front of his home when the officers approached him. § 87(2)(b) stated that what he first observed, was officers physically removing § 87(2)(b) from his vehicle. § 87(2)(b) stated that the officers approached him after he had gotten into his car. According to § 87(2)(b) the officers stopped him because they believed he had cursed at them. Lt. DeEntremont, PO Maraldo and PO DeMelia all stated that they had observed § 87(2)(b) engage in a hand to hand transaction with another male in the driveway of his home. The officers believed the exchange was of narcotics and subsequently stopped him as he was approaching his car but before he got inside. § 87(2)(b) stated that he observed § 87(2)(b)'s car searched by the officers, and § 87(2)(b) also stated that his car was searched. § 87(2)(b) made no mention of this. Lt. DeEntremont, PO Maraldo, and PO DeMelia all deny that the car was searched.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegations B, C and D: Lt. Paul DeEntremont, PO David DeMelia and PO Vincent Maraldo spoke obscenely and/or rudely to § 87(2)(b) (PG 203-09).

§ 87(2)(b) stated that all three officers told § 87(2)(b) to “shut up,” when § 87(2)(b) asked them what he had done. § 87(2)(b) stated that all three of the officers told him to, “Get out of the fucking car.” The remainder of the civilian witnesses made no mention of discourteous remarks being made against § 87(2)(b). All three officers denied cursing at § 87(2)(b) § 87(2)(g)

Allegation E: PO David DeMelia frisked and searched § 87(2)(b) (PG 212-11).

§ 87(2)(b) stated that once § 87(2)(b) was taken out of his car, he was frisked and searched by an officer. The officer went into § 87(2)(b)'s pockets. § 87(2)(b) stated that an officer frisked him, and then went into his pockets, removing his cell phone. PO DeMelia admitted to frisking § 87(2)(b) but stated that he did not search him. PO DeMelia stated that while speaking with § 87(2)(b) he attempted to enter his car and PO DeMelia grabbed him by his jacket to prevent him from doing so. At this time, PO DeMelia noticed a bulge in § 87(2)(b)'s pants and hence frisked him. PO DeMelia stated that § 87(2)(b) was not searched, as did Lt. DeEntremont and PO Maraldo. § 87(2)(g)

Allegations F, G and H: Lt. Paul DeEntremont, PO Vincent Maraldo and PO David DeMelia used physical force against § 87(2)(b) (PG 203-11).

§ 87(2)(b) stated that an officer, he did not know who, pulled § 87(2)(b) out of his vehicle by his collar. He stated that when § 87(2)(b) was put to the ground, all three officers forcefully grabbed him by his collar and put him down. § 87(2)(b) stated that PO Maraldo and another officer, he did not know who, twisted his arm, brought him to the ground face down, and put a knee in his back. According to officer statements, this would have been PO DeMelia. § 87(2)(b) said that officers threw § 87(2)(b) to the ground and § 87(2)(b) stated that officers slammed him on the ground. All the civilians stated that § 87(2)(b) was not physically resisting the officers, and was only inquiring as to what he had done. However, § 87(2)(b) admitted to twisting around during his handcuffing.

According to officers, § 87(2)(b) was uncooperative and he would not give his hands to the officers; he was flailing his arms. Lt. DeEntremont indicated that § 87(2)(b) grabbed onto the door panel of his car to prevent himself from being handcuffed. PO DeMelia and PO Maraldo said that § 87(2)(b) was not brought to the ground but Lt. DeEntremont stated that he was. Lt. DeEntremont was unsure whether § 87(2)(b) tripped, was thrown to the ground, or exactly how he was brought to the ground.

§ 87(2)(b), § 87(2)(g)

Allegations I and J: PO David DeMelia and PO Vincent Maraldo spoke obscenely and/or rudely to § 87(2)(b) (PG 203-09).

§ 87(2)(b) stated that PO DeMelia told him to, “shut the fuck up and mind your own business,” after he told § 87(2)(b) to ask for the officers’ names and shield numbers. § 87(2)(b) stated that officers told § 87(2)(b) to “mind his fucking business.” § 87(2)(b) stated that PO Maraldo told § 87(2)(b) to “mind his fucking business.” § 87(2)(b) stated that as he was walking back to his house he said, “fuck that shit.” PO Maraldo then said “you said fuck me,” and “you fucking cursed at me.” Also in the police van en route to

the precinct, PO Maraldo told § 87(2)(b) “Next time you mind your fucking business.” PO DeMelia, PO Maraldo and Lt. DeEntremont all state that no officer cursed or used discourteous language with § 87(2)(b). § 87(2)(g)

Allegation K: Det. Kevin Mojica attempted to kick § 87(2)(b) (PG 203-11).

According to § 87(2)(b) when he was being placed under arrest in the yard, Det. Mojica tried to kick § 87(2)(b) in the face, but § 87(2)(b) moved and the officer missed hitting him. § 87(2)(b) stated that it was at this time that the officers’ pants ripped. Det. Mojica denied attempting to kick § 87(2)(b) and Det. Mojica stated that § 87(2)(b) ripped Det. Mojica’s pants, by grabbing at his crotch. Lt. DeEntremont and PO DeMelia stated that Det. Mojica did not attempt to kick § 87(2)(b). § 87(2)(b), § 87(2)(g)

Allegation L: PO Vincent Maraldo used physical force against § 87(2)(b) (PG 203-11).

§ 87(2)(b) stated that PO Maraldo attempted to punch him in his face, but § 87(2)(b) ducked and PO Maraldo only grazed him. After the officer attempted to strike § 87(2)(b) PO Maraldo grabbed § 87(2)(b) by his tank top and attempted to throw him into a gate but § 87(2)(b) shirt ripped off. § 87(2)(b) and § 87(2)(b) both stated that PO Maraldo ripped § 87(2)(b) shirt off. § 87(2)(b) stated that when he was being placed under arrest in the yard, he was on the floor and PO Maraldo attempted to kick him in the face, but he moved and was struck in the chest instead. § 87(2)(b) further stated that PO Maraldo punched him in the head, in the police van. § 87(2)(b) made no mention of § 87(2)(b) being punched while in the van. PO Maraldo denied using any of the physical force described, against § 87(2)(b). Lt. DeEntremont, PO DeMelia and Det. Mojica all stated that PO Maraldo did not use physical force against § 87(2)(b).

While § 87(2)(b) medical records indicate that he sustained two bruises to his head, as well as a laceration to his left eyebrow, § 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated he went to the ground on his own accord, but Lt. DeEntremont stated that he took § 87(2)(b) to the ground and Det. Mojica stated that a struggle ensued whereby he and § 87(2)(b) ended up on the ground.

§ 87(2)(g)

Allegation M: PO Vincent Maraldo struck § 87(2)(b) with a radio (PG 203-11).

§ 87(2)(b) stated that while being transported to the stationhouse, PO Maraldo struck him around the crown of his head with a radio, three to four times. § 87(2)(b) also indicated that PO Maraldo struck § 87(2)(b) in the left side of his head with a radio. PO Maraldo denied striking § 87(2)(b) with the radio, and Lt. DeEntremont and PO DeMelia both stated that PO Maraldo did not strike § 87(2)(b) in this manner.

§ 87(2)(b) medical records show that he sustained two bruises to his head, and a laceration to his left eyebrow, § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: